

*Application No. 10/606168*  
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*Amendment*  
*Attorney Docket No. S63.2B-10968-US01*

#### **Remarks**

This Amendment is in response to the Office Action dated August 12, 2004. Claims 1-42 are pending in this application. The Examiner has withdrawn claims 2, 3, 5, 10-16, 18-22, 26-32 and 34-42 from consideration. The Office Action rejects claims 1, 4, 6-7, 17, 23 and 33 under 35 USC § 102(e) over Cox (US 6461380) and objects to claims 8, 9, 24 and 25 as being dependent upon a rejected base claim.

By this Amendment, claims 7 and 8 are cancelled and claims 1, 9, 10, 13, 15-17 and 35 are amended. Applicant reserves the right to prosecute all cancelled subject matter in a subsequent patent application claiming priority to the immediate application. Claim 1 has been amended to include the limitations of claim 8. Claim 9 has been rewritten in independent form. Claim 35 has been amended by deleting the term "further". The amendment is not made for reasons of patentability and does not narrow the scope of the claim. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

#### **Restriction Requirement**

In the Response to Restriction Requirement with Traverse filed June 11, 2004, Applicant provisionally elected the species of Figure 1 and stated that claims 1, 4, 6-9, 17, 20, 23-25 and 33 were readable upon the elected species.

The Examiner has withdrawn claim 20. Applicant traverses the withdrawal of claim 20 because the first type of connector struts of adjacent connector columns are angularly aligned in Figure 1. Applicant requests that claim 20 be reinstated and considered.

#### **Allowable Subject Matter**

Applicant gratefully acknowledges the Office Action's indication of allowable subject matter in claims 8, 9, 24 and 25. Claim 9 has been rewritten in independent form, and claim 1 has been amended to include the limitations of claim 8. However, for the reasons set forth below, Applicant asserts that all of the elected claims are directed to allowable subject matter and that the application is in condition for allowance.

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### **Claim Rejections**

The Office Action rejects, under 35 USC § 102, claims 1, 4, 6-7, 17, 23 and 33 over Cox (US 6461380). Independent claims 1 and 17 have been amended.

Claim 1 has been amended to include the limitations of original claim 8, now cancelled. The Examiner has indicated that original claim 8 contained allowable subject matter.

Therefore, Applicant asserts that Cox does not anticipate independent claim 1. Claims 4, 6 and 7 depend from independent claim 1 and therefore are not anticipated for at least the reasons discussed with respect to claim 1.

Cox discloses a stent configuration having circumferentially extending serpentine elements 72. Bridging members 78 connect circumferentially extending serpentine elements 72. Each bridging member 78 is attached to a serpentine element at juncture points 80 located along a straight linking segment 82 of the circumferentially extending serpentine elements 72. See Figure 3 and column 5, lines 11-26.

Applicant asserts that Cox does not disclose or suggest "at least one first type of connector strut coupled at its first end to a distal turn of a serpentine circumferential band" as recited in independent claim 17. Cox states that each bridging member 78 is attached to a serpentine element at juncture points 80 located along a straight linking segment 82. See Figure 3 and column 5, lines 22-25. Thus, the bridging members 78 do not extend from a distal turn, but from a straight segment of the circumferentially extending serpentine elements 72.

Therefore, Applicant asserts that Cox does not anticipate independent claim 17. Claims 23 and 33 depend from independent claim 17 and therefore are not anticipated for at least the reasons discussed with respect to claim 17.

Accordingly, Applicant requests the withdrawal of the rejections under 35 USC § 102.

### **Withdrawn Claims**

Withdrawn claims 10, 13, 15 and 16 formerly depended on claim 7, now cancelled. Withdrawn claims 10, 13, 15 and 16 have been amended to depend from claim 1. Claim 1 has been amended to contain subject matter that the Examiner indicated is allowable. Withdrawn claims 2, 3, 5 and 10-16 depend from claim 1, and Applicant requests consideration

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of these claims.

Further, independent claim 17 is believed to be in condition for allowance. Withdrawn claims 18-22 and 26-32 depend from claim 17, and Applicant requests consideration of these claims.

### Conclusion

Based on at least the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-6 and 9-33 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: December 8, 2004

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